

Superseded 5/12/2015

61-2c-204.1 Education providers -- Education requirements -- Examination requirements.

(1) As used in this section:

- (a) "Approved continuing education course" means a course of continuing education that is approved by the nationwide database.
- (b) "Approved prelicensing education course" means a course of prelicensing education that is approved by the nationwide database.

(2)

- (a) A person may not provide Utah-specific prelicensing education or Utah-specific continuing education if that person is not certified by the division under this chapter.
- (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
 - (i) certification criteria and procedures to become a certified education provider; and
 - (ii) standards of conduct for a certified education provider.
- (c) In accordance with the rules described in Subsection (2)(b), the division shall certify a person to provide the education described in Subsection (2)(a).
- (d)
 - (i) Upon request, the division shall make available to the public a list of the names and addresses of certified education providers either directly or through a third party.
 - (ii) A person who requests a list under this Subsection (2)(d) shall pay the costs incurred by the division to make the list available.
- (e) In certifying a person as a certified education provider, the division by rule may:
 - (i) distinguish between an individual instructor and an entity that provides education; or
 - (ii) approve:
 - (A) Utah-specific prelicensing education; or
 - (B) Utah-specific continuing education courses.

(3)

- (a) The division may not:
 - (i) license an individual under this chapter as a mortgage loan originator who has not completed the prelicensing education required by this section:
 - (A) before taking the one or more licensing examinations required by Subsection (4);
 - (B) in the number of hours, not to exceed 90 hours, required by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (C) that includes the prelicensing education required by federal licensing regulations;
 - (ii) subject to Subsection (6), renew a license of an individual who has not completed the continuing education required by this section and Section 61-2c-205:
 - (A) in the number of hours required by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (B) that includes the continuing education required by federal licensing regulations; or
 - (iii) license an individual under this chapter as a lending manager who has not completed the prelicensing education required by Section 61-2c-206 before taking the licensing examination required by Section 61-2c-206.
- (b) Subject to Subsection (3)(a) and with the concurrence of the division, the commission shall determine:
 - (i) except as provided in Subsection 61-2c-206(1)(b), the appropriate number of hours of prelicensing education required to obtain a license;
 - (ii) the subject matters of the prelicensing education required under this section and Section 61-2c-206, including online education or distance learning options;

- (iii) the appropriate number of hours of continuing education required to renew a license; and
 - (iv) the subject matter of courses the division may accept for continuing education purposes.
 - (c) The commission may appoint a committee to make recommendations to the commission concerning approval of prelicensing education and continuing education courses, except that the commission shall appoint at least one member to the committee to represent each association that represents a significant number of individuals licensed under this chapter.
 - (d) The division may by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for the calculation of continuing education credits, except that the rules shall be consistent with 12 U.S.C. Sec. 5105.
- (4)
- (a) The division may not license an individual under this chapter unless that individual first passes the one or more licensing examinations that:
 - (i) are adopted by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (ii) meet the minimum federal licensing requirements; and
 - (iii) are administered by an approved examination provider.
 - (b) The commission, with the concurrence of the division, shall determine the requirements for:
 - (i) a licensing examination that at least:
 - (A) meets the minimum federal licensing requirements; and
 - (B) tests knowledge of the:
 - (I) fundamentals of the English language;
 - (II) arithmetic;
 - (III) provisions of this chapter;
 - (IV) rules adopted under this chapter;
 - (V) basic residential mortgage principles and practices; and
 - (VI) any other aspect of Utah law the commission determines is appropriate; and
 - (ii) a licensing examination required under Section 61-2c-206 that:
 - (A) meets the requirements of Subsection (4)(b)(i); and
 - (B) tests knowledge of the:
 - (I) advanced residential mortgage principles and practices; and
 - (II) other aspects of Utah law the commission, with the concurrence of the division, determines appropriate.
 - (c) An individual who will engage in an activity as a mortgage loan originator, is not considered to have passed a licensing examination if that individual has not met the minimum competence requirements of 12 U.S.C. Sec. 5104(d)(3).
- (5) When reasonably practicable, the commission and the division shall make the Utah-specific education requirements described in this section available electronically through one or more distance education methods approved by the commission and division.
- (6)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission, with the concurrence of the division, shall make rules establishing procedures under which a licensee may be exempted from a Utah-specific continuing education requirement:
 - (i) for a period not to exceed four years; and
 - (ii) upon a finding of reasonable cause.
 - (b) An individual who engages in an activity as a mortgage loan originator may not under this Subsection (6) be exempted from the minimum continuing education required under

federal licensing regulations for an individual who engages in an activity as a mortgage loan originator.